

RANDY JOHNSON,	)	Case No. 2:14-cv-01326-JCM-NJK
Plaintiff(s),	)	ORDER
vs.	)	(Docket No. 59)
JAMES COX, et al.,	)	
Defendant(s).	)	

Motions for reconsideration are disfavored. *E.g., Kabo Tools Co. v. Porauto Indus. Co.*, 2013 WL 5947138, \*2 (D. Nev. Oct. 31, 2013) (citing *Japan Cash Mach. Co. v. Mei, Inc.*, 2008 U.S. Dist. Lexis 98778, \*7 (D. Nev. Nov. 20, 2008)). “Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence; (2) committed clear error or the initial decision was manifestly unjust; or (3) if there is an intervening change in controlling law.” *Kabo Tools*, 2013 WL 5947138, at \*2 (quoting *Frasure v. United States*, 256 F. Supp. 2d 1180, 1183 (D. Nev. 2004)).

1       The Court construes the pending motion broadly as seeking reconsideration of both the order  
2 denying without prejudice Plaintiff's motion to file a supplemental complaint and the report and  
3 recommendation that this case proceed without the claims against Defendants Baca and Donat. *See*  
4 Docket No. 59 at 3 (referring to Docket Nos. 54 and 55). The Court finds reconsideration not proper  
5 as to either the order or the report and recommendation.

6       At bottom, Plaintiff's motion indicates that he was unable to meet certain deadlines because he  
7 was in administrative segregation and lacked an instrument with which to write. *See* Docket No. 59 at  
8 2-4. Such assertions are inapposite to the order denying Plaintiff's motion for leave to file a  
9 supplemental complaint. *See* Docket No. 54 (noting three deficiencies with the motion, none of which  
10 are addressed in the motion for reconsideration). With respect to the report and recommendation, the  
11 undersigned determined that it was necessary to proceed without the claims against Defendants Baca and  
12 Donat because other alternatives were not available to move the case forward given Plaintiff's failure  
13 to comply with numerous orders to file a proper amended complaint. *See, e.g.*, Docket No. 56 at 3.  
14 Plaintiff's motion for reconsideration fails to provide any indication that Plaintiff will comply with the  
15 Court's order to file a proper amended complaint with the corrected names of Defendants Baca and  
16 Donat, and instead asks for yet another 60-day extension. *See, e.g.*, Docket No. 59 at 4. In light of the  
17 history of this case and the multiple opportunities to file a proper amended complaint already extended  
18 Plaintiff, the Court finds there are insufficient grounds to reconsider the report and recommendation.

19       The motion for reconsideration is therefore **DENIED**.

20       IT IS SO ORDERED.

21       DATED: April 20, 2016

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NANCY J. KOPPE  
25 UNITED STATES MAGISTRATE JUDGE  
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